IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1918 (S/S) of 2001
Old Number
Writ petition No. 50450 of 1999

Zila Panchayat, Almora
through Uppar Mukhya Adhikari
Zila Panchayat, Almora,
District – Almora. **……Petitioner**

Versus

1. State of U.P.
2. Darban Singh Tilara, S/o Ram Singh Tilara, R/o Village Khas Tilani, Patti Tala Lakhanpur, Patwari Chetra, Chirala, Tehsil & District – Almora.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.S. Sammal, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal, on behalf of respondent no. 1. No one is present for respondent no. 2.

Respondent no. 2 filed suit being original suit no. 18 of 1999 before Civil Judge (Junior Division), Almora with a prayer that since plaintiff (respondent no. 2) was employee of Zila Panchayat, Almora, his pension should be disbursed from Zila Panchayat, Almora. Respondent no. 2 was retired on 31.05.1993 and he was being paid pension by the Zila Panchayat, Almora till March 1999. In the month of April, 1999 Zila Panchayat, Almora repudiated him to pay his pension and directed him to collect his pension from the office of Zila Panchayat,

Bageshwar, District – Bageshwar, which was newly created after carving out area of District – Almora.

In the suit it was prayed by the plaintiff (respondent no. 2) that he may be permitted to receive the pension from Nagar Panchayat, Almora. The suit was decreed in favour of plaintiff vide order dated 20.07.1999. Against the judgement and order dated 20.07.1999 passed by Civil Judge (Junior Division), Almora, Zila Panchayat, Almora preferred an appeal before District Judge, Almora and District Judge, Almora vide its judgement dated 21.09.1999 dismissed the appeal. Against the order dated 21.09.1999 passed by District Judge, Almora present writ petition has been filed, which is not maintainable, as the petitioner has alternative remedy to file second appeal before appropriate court.

Writ petition is dismissed on the ground of alternative remedy.

(M.M. Ghildiyal, J)

June 15,2006
SKSharma